

AFRICAN AMERICAN LEGISLATIVE DAY  
FEBRUARY 20, 2004

**EDUCATION**  
**HOUSE BILL 2700/SENATE BILL 6268**

**BILL BRINGING WASHINGTON LAW INTO CONFORMITY  
WITH 2003 U.S. SUPREME COURT AFFIRMATIVE ACTION  
DECISION**

Presenter

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BRIEF DESCRIPTION:

Five years ago, Washington voters passed I-200 changing Washington law on the use of race as a factor in the admissions process of public universities and colleges. Under current law, higher education institutions may not “grant preferential treatment to any individual or group on the basis of race, sex, color or national origin”.

In June 2003, the U.S. Supreme Court held that a law school’s use of race in its admissions decisions to promote diversity is not a violation of the Constitution. The Court set up the following guidelines for admissions policies:

- (a) no admission slots may be set aside on the basis of race, color ethnicity, or origin nor shall any person be given separate consideration based solely on race, color, ethnicity or national origin;
- (b) every policy will include individualized consideration of each qualified applicant and all forms of diversity shall be taken into account;
- (c) race, color, ethnicity or national origin shall not be given a predetermined numerical value or weight in the admissions process;
- (d) the policy must include criteria for evaluating whether the consideration of race, color, ethnicity, or national origin is still necessary to promote diversity and there must be a process for periodic reviews; and
- (e) there must be a process for periodically exploring workable race-neutral alternatives that would achieve the diversity that the college or university is seeking, without compromising academic quality.

This bill changes the law to allow consideration of race, color, ethnicity, or national origin in the admission or transfer policies of public colleges and universities.

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CAAA POSITION ON THIS BILL: CAAA supports this bill. Washington is one of two states that exclude consideration of race in public college and university admissions. Passage of this bill would bring Washington law into conformity with guidelines set out by the U.S. Supreme Court. Allowing race as a factor in admissions would also make Washington's admission standards consistent with those of similar institutions in the United States.

TALKING POINTS:

- Both Democrats and Republicans in the House and in the Senate supported this legislation. It is strongly supported by Governor Locke and was part of the Governor's Executive request legislation package.
- Passing this bill will show that Washington recognizes, values and supports diversity.
- Washington is one of only two states in the U.S. prohibiting consideration of race in higher education admissions. The vast majority of universities use a holistic approach – looking at the applicant's entire background - and include race as a factor in making admission decisions. Washington institutions consider a broad range of other factors (athletic ability, legacy status, veteran's status) but exclude race. These changes in the law would allow universities to look at the whole person.
- Washington colleges and universities are having difficulty competing with peer institutions in other states in recruiting underrepresented high school students. Minority enrollments at Washington colleges and universities have dropped as a result of I-200.
- This bill changes Washington law to embrace the guidelines set out by the Supreme Court.

- An editorial written by sponsors of the bill, Jeanne Kohl-Welles and Phyllis Guiterrez Kenney, is attached and details additional reasons that passing SSB 6268/HB 2700 is vital to the African American community and to all citizens in Washington state.